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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 ALLEN VINTORA MAAE,

12 Plaintiff,

13 v.

14 PIERCE COUNTY SHERIFF and PIERCE  
15 COUNTY MEDICAL DEPARTMENT,

16 Defendants.

CASE NO. 17-5726 RJB-TLF

ORDER ADOPTING REPORT AND  
RECOMMENDATION

17 THIS MATTER comes before the Court on the Report and Recommendation of U.S.  
18 Magistrate Judge Theresa L. Fricke. Dkt. 8. The Court has considered the Report and  
19 Recommendation, objections, if any, and the remaining record.

20 On September 11, 2017, Plaintiff, a *pro se* prisoner at the Pierce County Washington Jail,  
21 filed this civil rights case under 42 U.S.C. § 1983 in connection with a broken foot he alleges he  
22 suffered after stepping on a black “doorstopper” at the jail. Dkt. 1. While Plaintiff asserts that he  
23 is receiving proper medical care now, he maintains that the jail was negligent in providing him  
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1 timely care and for using black “doorstoppers.” *Id.* On December 29, 2017, Plaintiff was  
2 informed of the deficiencies in his proposed complaint, and given leave to amend. Dkt. 7.  
3 Plaintiff failed to respond, so on March 26, 2018, the instant Report and Recommendation (Dkt.  
4 8) was filed. It recommends the case be dismissed without prejudice. Dkt. 8. Plaintiff did not  
5 file any objections or a proposed amended complaint.

6 The Report and Recommendation (Dkt. 8) should be adopted and the case dismissed  
7 without prejudice.

8 It is **ORDERED** that:

9 The Report and Recommendation (Dkt. 8) **IS ADOPTED**; and

10 This case **IS DISMISSED WITHOUT PREJUDICE**.

11 The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge  
12 Theresa L. Fricke, all counsel of record and to any party appearing *pro se* at said party’s last  
13 known address.

14 Dated this 24<sup>th</sup> day of April, 2018.

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16 ROBERT J. BRYAN  
17 United States District Judge  
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